IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 1261 of 1985
Date of decision: 18-10-2006

Raj Singh and others .....Appellant

Versus

Sukhdev Singh and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL

Present: Shri S.C.Arora, , Advocate,
for the appellants.

Shri L.M.Suri, Senior Advocate with
Shri Neeraj Khanna, Advocate,
for the Insurance Company

K.S.GAREWAL,J.

The claimants, in this appeal against the award of the learned Motor Accident Claims Tribunal, are Raj Singh and four others. The learned Tribunal vide award dated May 22, 1985 awarded compensation Rs. 28,800/- to the claimants for the death of Baldev Singh. The claimants are the children, widow and mother of the deceased.

The accident in this case took place on September 15, 1983 at 4.00 P.M. Baldev Singh was grazing cattle and standing on the left side of the road leading from Muktsar to Kotkapura. A green coloured four wheeler came from the side of Muktsar. It was being driven by Sukhdev Singh. The vehicle knocked down Baldev Singh and as a result thereof Baldev Singh died at the spot. At the time of death Baldev Singh was 35 years of age and was stated to be earning Rs.1,000/- per month as a labourer.

The learned Tribunal found that the offending vehicle was driven by Sukhdev Singh, who possessed a valid driving licence, owned by Sahib Singh and insured by United India Insurance Company. For computing the compensation payable to the heirs of the deceased, the learned Tribunal accepted that labourers earned Rs.20/- to Rs.25/- per day but work was not available every day so labourers would not earn Rs.600/- to Rs.750/- per month. The monthly wage of an agricultural labourer was held to be Rs.300/- per month, in other words Rs.3600/- per year. From this 1/3rd amount was deducted as the personal expenses of the deceased. The dependancy of the claimants was calculated at Rs.2400/- per month to which a multiplier of 12 was applied. The total amount worked out to Rs. 28,000/-.

The deceased in the present case was grazing cattle and if he was employed as a grazer, he would certainly graze the cattle on every day of the month and not just on some days because cattle need to be taken out everyday for grazing. When the Tribunal accepts that the daily wage during the days of the accident, was earning Rs.20/- to Rs.25/-, this would also definitely be the amount paid to the grazers of cattle every day. The compensation was awarded on the basis of the deceased being a labourer who worked findings work only on some days and not for the whole of the month. I find that if daily wage was Rs.20/- per day, monthly wage would be about Rs.600/-. If from this 1/3rd was deducted as the personal expenses of the deceased, he would still be contributing Rs.400/- per month to his family. This is equivalent to Rs.4800/- per year.

It is felt that multiplier of 12 applied in the present case for determining compensation payable for the death of 35 years man is on the

lower side. Correct multiplier is 14. If multiplier of 14 is applied to Rs.4800/-, compensation works out to Rs. 67200/-.

The claimants are entitled to Rs.67,200/- with interest at the rate of 9% per annum from the date of the application till payment payable by respondents No.1,2 and 3.

This appeal is disposed of in the above terms.

(K.S.GAREWAL)
JUDGE

October 18,2006
RSK